



COMMISSION IMPLEMENTING REGULATION (EU) 2026/347

of 17 February 2026

imposing a definitive anti-dumping duty on imports of sweetcorn originating in the Kingdom of Thailand, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE

1.1. Previous investigations and measures in force

- (1) By Regulation (EC) No 682/2007 ⁽²⁾, the Council imposed anti-dumping duties on imports of certain prepared or preserved sweetcorn in kernels currently falling under CN codes ex 2001 90 30 and ex 2005 80 00, originating in Thailand ('the original measures'). The investigation that led to the imposition of the original measures will hereinafter be referred to as 'the original investigation'. The measure took the form of an *ad valorem* duty ranging between 3,1 % and 12,9 %.
- (2) Council Regulation (EC) No 954/2008 ⁽³⁾ amended Regulation (EC) No 682/2007 with regard to the rate of duty imposed on one company and on 'all other companies'. The amended duties ranged between 3,1 % and 14,3 %. Imports from two Thai exporting producers from whom undertakings had been accepted by Commission Decision 2007/424/EC ⁽⁴⁾ were exempted from the duty.
- (3) The Council, by Regulation (EC) No 847/2009 ⁽⁵⁾, considered that price undertakings with fixed minimum import prices were no longer appropriate to counteract the injurious effect of dumping. Consequently, the accepted undertakings were withdrawn and the undertaking offers by 10 other Thai exporting producers were rejected.
- (4) By Implementing Regulation (EU) No 875/2013 ⁽⁶⁾, the Council imposed the definitive anti-dumping measures on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand for another five years following an expiry review.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21, ELI: <http://data.europa.eu/eli/reg/2016/1036/oj>.

⁽²⁾ Council Regulation (EC) No 682/2007 of 18 June 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ L 159, 20.6.2007, p. 14, ELI: <http://data.europa.eu/eli/reg/2007/682/oj>).

⁽³⁾ Council Regulation (EC) No 954/2008 of 25 September 2008 amending Regulation (EC) No 682/2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ L 260, 30.9.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/954/oj>).

⁽⁴⁾ Commission Decision 2007/424/EC of 18 June 2007 accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain prepared or preserved sweet corn in kernels originating in Thailand (OJ L 159, 20.6.2007, p. 42, ELI: <http://data.europa.eu/eli/dec/2007/424/oj>).

⁽⁵⁾ Council Regulation (EC) No 847/2009 of 15 September 2009 amending Regulation (EC) No 682/2007 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ L 246, 18.9.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/847/oj>).

⁽⁶⁾ Council Implementing Regulation (EU) No 875/2013 of 2 September 2013 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 244, 13.9.2013, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2013/875/oj).

- (5) By Implementing Regulation (EU) No 307/2014 ⁽⁷⁾, following a partial interim review, the Council amended the anti-dumping duty set by Implementing Regulation (EU) No 875/2013 for River Kwai International Food Industry Co. Ltd.
- (6) Following the judgments of the Court of Justice of the European Union of 14 December 2017 and 28 March 2019 in Cases T-460/14 and C-144/18 P respectively, the Commission reopened ⁽⁸⁾, on 29 August 2019, the anti-dumping investigation concerning imports of certain prepared or preserved sweetcorn in kernels originating in Thailand that had led to the adoption of Implementing Regulation (EU) No 307/2014. That investigation was reopened only in so far as it concerned River Kwai International Food Industry Co. Ltd. and was resumed at the point at which the irregularity had occurred.
- (7) By Implementing Regulation (EU) 2019/1996 ⁽⁹⁾, the European Commission ('the Commission') imposed definitive anti-dumping measures on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand for another five years following an expiry review (the 'previous expiry review').
- (8) By Implementing Regulation (EU) 2021/342 ⁽¹⁰⁾, the Commission reimposed the definitive anti-dumping duty for River Kwai International Food Industry Co. Ltd.
- (9) The anti-dumping duties currently in force are *ad valorem* duty at rates ranging between 3,1 % and 14,3 % on imports from the sampled exporting producers, 12,9 % on the non-sampled cooperating companies and a duty rate of 14,3 % on all other companies from Thailand.

1.2. Request for an expiry review

- (10) Following the publication of a notice of impending expiry ⁽¹¹⁾, the Commission received a request for a review pursuant to Article 11(2) of the basic Regulation.
- (11) The request for review was submitted on 31 August 2024 by the Association européenne des transformateurs de maïs doux (AETMD) ('the applicant') on behalf of the Union industry of certain prepared or preserved sweetcorn in kernels in the sense of Article 5(4) of the basic Regulation. The request for a review was based on the grounds that the expiry of the measures would be likely to result in the continuation or recurrence of dumping and recurrence of injury to the Union industry.

1.3. Initiation of an expiry review

- (12) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, on 29 November 2024 the Commission initiated an expiry review with regard to imports into the Union of certain prepared or preserved sweetcorn in kernels originating in Thailand ('the country concerned') on the basis of Article 11(2) of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽¹²⁾ ('the Notice of Initiation').

⁽⁷⁾ Council Implementing Regulation (EU) No 307/2014 of 24 March 2014 amending Implementing Regulation (EU) No 875/2013 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand following an interim review pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 91, 27.3.2014, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2014/307/oj).

⁽⁸⁾ Notice following the judgments of 14 December 2017 and 28 March 2019, in Cases T-460/14 and C-144/18 P respectively, with regard to Council Implementing Regulation (EU) No 307/2014 amending Implementing Regulation (EU) No 875/2013 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ C 291, 29.8.2019, p. 3).

⁽⁹⁾ Commission Implementing Regulation (EU) 2019/1996 of 28 November 2019 imposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in the Kingdom of Thailand following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 (OJ L 310, 2.12.2019, p. 6, ELI: http://data.europa.eu/eli/reg_impl/2019/1996/oj).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2021/342 of 25 February 2021 reimposing a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in the Kingdom of Thailand, in so far as it concerns River Kwai International Food Industry Co. Ltd, following the reopening of the interim review pursuant to Article 11(3) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 68, 26.2.2021, p. 149, ELI: http://data.europa.eu/eli/reg_impl/2021/342/oj).

⁽¹¹⁾ OJ C, C/2024/1814, 4.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1814/oj>.

⁽¹²⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain prepared or preserved sweetcorn in kernels originating in Thailand (OJ C, C/2024/7109, 29.11.2024, ELI: <http://data.europa.eu/eli/C/2024/7109/oj>).

1.4. Review investigation period and period considered

- (13) The investigation of continuation or recurrence of dumping covered the period from 1 October 2023 to 30 September 2024 ('review investigation period' or 'RIP'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2021 to the end of the review investigation period ('the period considered').

1.5. Interested parties

- (14) In the Notice of Initiation, interested parties were invited to contact the Commission in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known producers in Thailand and the authorities of Thailand, known importers, users, and traders about the initiation of the expiry review and invited them to participate.
- (15) Interested parties had an opportunity to comment on the initiation of the expiry review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.
- (16) One Thai company, Malee Sampran Public Co. Ltd, informed the Commission that it had ceased the production of the product concerned. Since the company is no longer an exporting producer of the product concerned, the Commission removed it from the list of cooperating companies not sampled.

1.6. Sampling

- (17) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

Sampling of Union producers

- (18) In its Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of the estimated volume of production and sales of the like product in the EU during the investigation period. This sample consisted of two Union producers. The sampled Union producers accounted for more than [29–38] % of the estimated total volume of production and more than [39–48] % of the estimated total sales in the Union. The Commission invited interested parties to comment on the provisional sample. No comments on the sample were received. The sample of the Union industry was therefore confirmed.

Sampling of importers

- (19) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (20) No unrelated importers provided the requested information and agreed to be included in the sample. The Commission therefore decided that sampling was not necessary.

Sampling of producers in Thailand

- (21) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all producers in Thailand to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Kingdom of Thailand to the European Union to identify and/or contact other producers, if any, that could be interested in participating in the investigation.
- (22) Seven producers in the country concerned provided the information requested and agreed to be included in the sample. The Commission sought clarifications from two companies on inconsistencies in their replies on the sampling forms. Those two companies did not provide a reply to the request for clarification.

- (23) In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of two companies on the basis of the largest representative volume of exports to the Union which could reasonably be investigated within the time available. Based on the information available at the time of the sampling decision, the exports to the EU by the sampled companies covered almost the entire exports to the EU of all cooperating companies and accounted for more than 80 % of total exports of the product concerned to the EU. In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned and the authorities of the country concerned were consulted on the selection of the sample. No comments were made.

1.7. Replies to the questionnaire

- (24) The Commission requested the exporting producers, the Union producers, the unrelated importers, and the users to complete the relevant questionnaires, which were made available on the day of initiation on the Commission's website ⁽¹³⁾ dedicated to trade defence instruments. Interested parties were also invited to make their views known and to provide supporting evidence within the deadlines set out in the Notice of Initiation.
- (25) Questionnaire replies were received from the two sampled exporting producers, the two sampled Union producers and the AETMD.

1.8. Verification

- (26) The Commission sought and verified all the information deemed necessary for the determination of the likelihood of continuation or recurrence of dumping and injury and of the Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:
- (a) Union producers:
 - Bonduelle Europe Long Life, France and Bonduelle Central Europe, Hungary,
 - Dawtona Sp. z o.o., Poland;
 - (b) Association of Union producers:
 - the Commission verified the macro-questionnaire submitted by the AETMD in Paris, France;
 - (c) Exporting producers in Thailand
 - Sunsweet Public Co. Ltd., Chiang Mai, Thailand,
 - Lampang Food Products Co. Ltd., Bangkok, Thailand, and its related companies.

1.9. Subsequent procedure

- (27) On 20 November 2025, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties in force. All parties were granted a period within which they could submit comments on the disclosure.
- (28) The interested parties did not make any comments and did not request a hearing.

2. PRODUCT UNDER REVIEW, PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product under review

- (29) The product under review is the same as in the original investigation and in the previous two expiry reviews, namely sweetcorn (*Zea mays* var. *saccharata*) in kernels, prepared or preserved by vinegar or acetic acid, not frozen and sweetcorn (*Zea mays* var. *saccharata*) in kernels prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, currently falling under CN codes ex 2001 90 30 (TARIC code 2001 90 30 10) and ex 2005 80 00 (TARIC code 2005 80 00 10) ('the product under investigation').

⁽¹³⁾ <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2761>.

- (30) Sweetcorn is used for human consumption. The product is usually presented in canned form, but also in glass jars, tetra packs or pouches.

2.2. Product concerned

- (31) The product concerned by this investigation is the product under review originating in Thailand ('the product concerned').

2.3. Like product

- (32) As established in the original investigation, as well as in the previous expiry reviews, this expiry review investigation confirmed that the following products have the same basic physical, chemical, and technical characteristics as well as the same basic uses:

- the product concerned when exported to the Union,
- the product under review produced and sold on the domestic market in Thailand,
- the product under review produced and sold by the exporting producers to the rest of the world, and
- the product under review produced and sold in the Union by the Union industry.

- (33) These products are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

2.4. Comments on initiation

- (34) Following the initiation of the review investigation, the Department of Foreign Trade ('DFT') of the Ministry of Commerce of the Kingdom of Thailand argued that the initiation itself was not warranted. The DFT claimed that imports from Thailand were minimal compared to those from another major exporting country and had decreased over the period considered. It further contended that the average import prices from that other country were significantly lower than those from Thailand. The DFT referred to Article 11.3 of the WTO Anti-Dumping Agreement, arguing that the conditions for initiation were not met, as there was allegedly no evidence of continuation of dumping and injury.
- (35) The Commission considered these claims unfounded. The evidence contained in the request for review was sufficient to justify initiation. The Commission recalled that, under Article 11.3 of the WTO Anti-Dumping Agreement and Article 11(2) of the basic Regulation, evidence of *continuation* of dumping is not a prerequisite for initiation, and the *likelihood of recurrence* of dumping is sufficient. The arguments raised by the DFT concerning import volumes and price differences did not invalidate the evidence submitted by the applicant, nor did they meet the legal threshold required to prevent initiation.

3. DUMPING

3.1. Preliminary remarks

- (36) During the review investigation period, imports of certain prepared or preserved sweetcorn in kernels from Thailand continued albeit at lower levels than in the investigation period of the original investigation (i.e. from 1 January 2005 to 31 December 2005). According to Eurostat's Comext, imports of sweetcorn from Thailand accounted for about 1,3 % of the Union market in the review investigation period compared to 12,7 % market share during the original investigation, 6 % during the first expiry review and 3,9 % during the previous expiry review. In absolute terms, imports from Thailand amounted to 3 638 tonnes in the review investigation period. This followed a decrease in imports from 41 973 tonnes in the original investigation to 21 856 tonnes during the first expiry review and a further decrease to 13 343 tonnes in the previous expiry review.

3.2. Normal value

- (37) The Commission first examined whether the total volume of domestic sales for each sampled exporting producer was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represented at least 5 % of its total export sales volume of the product under review to the Union during the review investigation period. On this basis, the total sales by each sampled exporting producer of the like product on the domestic market were representative.
- (38) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for the exporting producers with representative domestic sales.
- (39) The Commission then examined whether the domestic sales by each sampled exporting producer on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the review investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. The Commission established that the domestic sales of certain product types were not representative for the sampled exporting producers.
- (40) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the review investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.
- (41) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:
- (a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and
 - (b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.
- (42) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the review investigation period.
- (43) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the review investigation period, if:
- (a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type; or
 - (b) the weighted average price of this product type is below the unit cost of production.
- (44) The analysis of domestic sales showed that depending on the product type and the exporting producer, 50 % to 100 % of all domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, the normal value was calculated as a weighted average of the prices of all domestic sales during the review investigation period or a weighted average of the profitable sales only.
- (45) Where there were insufficient sales of a product type of the like product in the ordinary course of trade or where a product type was not sold in representative quantities on the domestic market, the Commission constructed the normal value in accordance with Article 2(3) and (6) of the basic Regulation. Where there were no domestic sales of a product type of the like product, the Commission looked for alternative sources for prices in the ordinary course of trade. Since there were no domestic sales of the other sampled producer or the domestic sales price of the other sampled producer for that product type could not be disclosed in a meaningful manner without breaching the confidentiality of that producer, and no other sources of prices for the particular product types were available, the Commission constructed the normal value for the relevant product types in accordance with Article 2(3) and (6) of the basic Regulation.

- (46) Normal value was constructed by adding the following to the average cost of production of the like product of the cooperating sampled exporting producers during the review investigation period:
- (a) the weighted average selling, general and administrative ('SG & A') expenses incurred by the cooperating sampled exporting producers on domestic sales of the like product, in the ordinary course of trade, during the review investigation period; and
 - (b) the weighted average profit realised by the cooperating sampled exporting producers on domestic sales of the like product, in the ordinary course of trade, during the review investigation period.
- (47) For the product types not sold in representative quantities on the domestic market, the average SG & A expenses and profit of transactions made in the ordinary course of trade on the domestic market for those types were added. For the product types not sold at all on the domestic market, the weighted average SG & A expenses and profit of all transactions made in the ordinary course of trade on the domestic market were added.

3.3. Export price

- (48) The sampled exporting producers exported to the Union directly to independent customers.
- (49) Consequently, the export price was the price actually paid or payable for the product under review when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

3.4. Comparison

- (50) Article 2(10) of the basic Regulation requires the Commission to make a fair comparison between the normal value and the export price at the same level of trade and to make allowances for differences in factors which affect prices and price comparability. In the case at hand the Commission chose to compare the normal value and the export price of the sampled exporting producers at the ex-works level of trade. As further explained below, where appropriate, the normal value and the export price were adjusted in order to: (i) net them back to the ex-works level; and (ii) make allowances for differences in factors which were claimed, and demonstrated, to affect prices and price comparability.

3.4.1. *Adjustments made to the normal value*

- (51) For sales of product types for which the normal value was constructed, as explained in recital (46) the normal value was established at the ex-works level of trade by using costs of production together with amounts for SG & A and for profit, which were considered to be reasonable for that level of trade. Therefore, no adjustments were necessary to net the normal value back to the ex-works level.
- (52) For sales of product types for which there were sales in the ordinary course of trade, in order to net the normal value back to the ex-works level of trade, adjustments were made on the account of transport. Moreover, allowances were made on the account of bank charges and commission. The Commission found no reasons for making any other allowances to the normal value.

3.4.2. *Adjustments made to the export price*

- (53) In order to net the export price back to the ex-works level of trade, adjustments were made on the account of freight, insurance, handling loading and ancillary expenses.
- (54) Allowances were made for the following factors affecting prices and price comparability: credit cost, bank charges and commissions.

3.5. Dumping margins

- (55) For the sampled exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product under review, in accordance with Article 2(11) and (12) of the basic Regulation.
- (56) On this basis, the weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, ranged from 4 % to 5,7 % for the sampled exporting producers. It was therefore concluded that dumping continued during the review investigation period.

4. LIKELIHOOD OF CONTINUATION OF DUMPING

- (57) Further to the finding of the existence of dumping during the review investigation period, the Commission investigated, in accordance with Article 11(2) of the basic Regulation, the likelihood of continuation of dumping, should the measures be repealed. The following additional elements were analysed regarding the likely development of exports if the measures are repealed: the production capacity and spare capacity in Thailand and the attractiveness of the Union market.

4.1. Production capacity and spare capacity in Thailand

- (58) The information available to the Commission on production and spare capacity consists of the data submitted and made available by the five cooperating Thai exporting producers, including two sampled exporting producers that provided detailed questionnaire replies. The sampled exporting producers revised their actual production and production capacity following deficiency letters and verification visits.
- (59) The production capacity of these five cooperating exporting producers, based on verified data for the two sampled exporting producers and the sampling forms for the remaining three, was at least 180 000 tonnes of the product under review for the review investigation period. Nearly 50 % of it was not utilised, accounting for 32 % of the total Union consumption of the product under review in the review investigation period. Since these producers accounted for only around 40 % of the total production for all Thai producers as estimated in the request for review (240 000 tonnes) ⁽¹⁴⁾, spare capacity in Thailand likely exceeded by far 32 % of Union consumption in the review investigation period.
- (60) The Commission therefore concluded that the Thai producers of sweet corn have extensive spare capacity available to increase exports to the Union market should the current anti-dumping measures lapse.

4.2. Attractiveness of the Union market

- (61) Despite the anti-dumping duties in place, Thailand still exported to the Union during the review investigation period, with a market share of 1,3 %, showing that the Union remained an attractive market and an attractive export destination.
- (62) Without the anti-dumping duties in place, imports from the two sampled Thai companies would undercut Union industry's prices by 37,7 % as established in recital (134). Both Thai companies had significant export sales to other third countries during the review investigation period, and the average export price of the most exported product type to the EU was higher than the average price for the same product type sold to other countries. These facts indicate that the Union market is attractive for Thai producers in terms of prices as it offers better prices for their products than other markets and such prices would still likely undercut Union industry's prices. Consequently, it is likely that, if the measures are allowed to lapse, some of those exports to third countries would be redirected to the Union.
- (63) Hence, should the measures be allowed to lapse, it is likely that imports into the Union from Thailand would increase and will enter the Union market at dumped prices.

⁽¹⁴⁾ Request for review, paragraph 43.

4.3. Conclusion on the likelihood of continuation of dumping

- (64) In view of its findings on the continuation of dumping during the review investigation period as established in recitals (36) to (56) and on the likely development of exports should the measures lapse as explained in recitals (57) to (63), the Commission concluded that there is a strong likelihood that the expiry of the anti-dumping measures on imports from Thailand would result in the continuation of dumping.

5. INJURY

5.1. Unit of measurement

- (65) Import statistics are reported in Eurostat (Comext) as the net weight, representing the weight of the sweetcorn kernels and the liquid. Consequently, the net weight is used as the unit of measurement during this investigation.

5.2. Definition of the Union industry and Union production

- (66) The like product was manufactured by 11 producers and producer groups in the Union during the investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (67) The total Union production during the investigation period was established at around 259 400 tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, such as direct information from the sampled Union producers and the Union producers supporting the request. As indicated in recital (18), the two sampled Union producers represented more than [29–38] % of the total Union production of the like product.

5.3. Union consumption

- (68) The Union consumption was established on the basis of (i) Eurostat import statistics; and (ii) sales volumes of the Union industry in the Union as submitted by the applicant.
- (69) Union consumption developed as follows:

Table 1

Union consumption

	2021	2022	2023	Review investigation period
Total Union consumption (tonnes)	299 021	307 619	295 208	272 245
Index	100	103	99	91

Source: Data from the Union industry and Eurostat (Comext).

- (70) The total Union consumption increased by 3 % between 2021 and 2022 from 299 021 tonnes in 2021 to 307 619 tonnes in 2022. Between 2022 and 2023, consumption decreased by 4 percentage points to 295 208 tonnes. Until the end of the investigation period, consumption dropped further by 8 percentage points to 272 245 tonnes.

5.4. Imports from the country concerned

5.4.1. Volume and market share of the imports from the country concerned

- (71) The Commission established the volume and market share of imports on the basis of Eurostat (Comext) data.

- (72) Imports into the Union from the country concerned developed as follows:

Table 2

Import volume and market share

	2021	2022	2023	Review investigation period
Volume of imports from the country concerned (tonnes)	4 345	4 863	3 293	3 638
<i>Index</i>	100	112	76	84
Market share (%)	1,5	1,6	1,1	1,3
<i>Index</i>	100	109	77	92

Source: Eurostat (Comext).

- (73) The volume of imports from Thailand decreased over the period considered from 4 345 tonnes in 2021 to 3 638 tonnes in the review investigation period. This trend was also reflected in the market share, which decreased from 1,5 % to 1,3 % during the same period.

5.4.2. *Prices of the imports from the country concerned and price undercutting*

- (74) The Commission established the prices of imports on the basis of EUR per tonne (net weight) reported in Eurostat statistics (Comext). Price undercutting of the imports was established on the basis of verified questionnaire replies of the sampled exporting producers and the sampled Union producers.
- (75) The average price of imports into the Union from the country concerned developed as follows:

Table 3

Import prices

	2021	2022	2023	Review investigation period
Average price from the country concerned (EUR/tonne)	1 115	1 392	1 186	1 264
<i>Index</i>	100	125	106	113

Source: Eurostat (Comext).

- (76) The average price of imports from Thailand showed an increase of 25 % between 2021 and 2022 from 1 115 EUR per tonne to 1 392 EUR per tonne. However, these prices fell by 19 percentage points in 2023. Prices in the investigation period increased again by 7 percentage points to 1 264 EUR per tonne. Overall, over the period considered, import prices remained below Union prices as reflected in Table 8.
- (77) The Commission determined the price undercutting during the investigation period by comparing:
- the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and
 - the corresponding weighted average prices per product type of the imports from the sampled cooperating exporting producers to the first independent customer on the Union market, established on a cost, insurance, freight (CIF) basis, with appropriate adjustments for conventional duty, anti-dumping duties and post-importation costs.

- (78) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary, and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the sampled Union producers' theoretical turnover during the investigation period. It showed a significant undercutting margin of between 29,8 % and 33,2 % by the imports from the country concerned on the Union market.

5.5. Imports from third countries other than Thailand

- (79) The imports of sweetcorn from third countries other than Thailand were mainly from the People's Republic of China ('PRC').
- (80) The (aggregated) volume of imports into the Union as well as the market share and price trends for imports of sweetcorn from other third countries developed as follows:

Table 4

Imports from third countries

Country		2021	2022	2023	Review investigation period
PRC	Volume (tonnes)	6 484	17 712	46 631	40 052
	<i>Index</i>	100	273	719	618
	Market share (%)	2	6	16	15
	Average price (EUR/tonne)	1 164	1 570	1 285	1 192
	<i>Index</i>	100	135	110	102
Other third countries	Volume (tonnes)	3 309	5 767	4 245	2 701
	<i>Index</i>	100	174	128	82
	Market share (%)	1	2	1	1
	Average price (EUR/tonne)	1 325	1 534	1 824	1 813
	<i>Index</i>	100	116	138	137
Total of all third countries except the country concerned	Volume (tonnes)	9 793	23 479	50 876	42 754
	<i>Index</i>	100	240	519	437
	Market share (%)	3	8	17	16
	Average price (EUR/unit of measurement)	1 220	2 106	2 063	1 735
	<i>Index</i>	100	173	169	142

Source: Eurostat (Comext).

- (81) Imports from the PRC increased significantly from 6 484 tonnes in 2021 to 46 631 tonnes in 2023. In the RIP, the volume of imports slightly decreased to 40 052 tonnes.
- (82) This trend was also reflected in the market share, which increased from 2 % in 2021 to 16 % in 2023, followed by a slight decrease to 15 % in the RIP.

- (83) The average prices of imports from the PRC increased from 1 164 EUR/tonne in 2021 to 1 570 EUR/tonne in 2022, dropping in 2023 and the RIP, where the average price per tonne decreased to 1 192 EUR/tonne. During the period considered, the price level remained constantly below the price level and the unit cost of goods sold of the Union industry.
- (84) The Commission considered that imports from other third countries, increased significantly throughout the period considered. The market share for all other third countries increased from 3 % in 2021, reaching 16 % in the review investigation period. As explained in recital (81), the totality of this increase can be attributed to the imports from China as import from other third countries except China and Thailand remained overall at very low volume. The average price of the Chinese imports remained below the price level of the Union industry over the whole period considered.

5.6. Economic situation of the Union industry

5.6.1. General remarks

- (85) The assessment of the economic situation of the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (86) As mentioned in recital (18), sampling was applied for the assessment of the economic situation of the Union industry.
- (87) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data contained in the verified questionnaire reply submitted by the applicant covering data related to all Union producers. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the sampled Union producers. Both sets of data were considered representative of the economic situation of the Union industry.
- (88) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (89) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

5.6.2. Macroeconomic indicators

5.6.2.1. Production, production capacity and capacity utilisation

- (90) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 5

Production, production capacity and capacity utilisation

	2021	2022	2023	Review investigation period
Production volume (tonnes)	368 786	319 410	375 541	333 973
<i>Index</i>	100	87	102	91
Production capacity (tonnes)	436 428	449 694	463 575	471 406
<i>Index</i>	100	103	106	108
Capacity utilisation (%)	85	71	81	71
<i>Index</i>	100	84	96	84

Source: Verified macro-questionnaire.

- (91) The production volume decreased by 13 % between 2021 and 2022 from about 368 786 tonnes to 319 410 tonnes. This development can be linked to the poor sweetcorn harvest of 2022 caused by droughts in 2022, which resulted in lower production volumes. In 2023, the production volume increased by 15 percentage points year-on-year to 375 541 tonnes, reflecting a recovery from the 2022 poor harvest in the Union. However, during the investigation period, the production volume dropped again significantly by 11 percentage points to 333 973 tonnes, coinciding with the increase of Chinese imports, as established in the regulation imposing provisional measures against China ⁽¹⁵⁾. Overall, the production volume decreased by 9 % over the period considered.
- (92) The production capacity of the Union industry showed a steady increase of 8 % over the period considered reflecting investments that had been decided before the increase of the Chinese imports. Between 2021 and 2022, the capacity increased by 3 %, followed by a further increase of 3 percentage points in 2022 and an additional 2 percentage points during the investigation period.
- (93) The capacity utilisation followed the trend in production volume. Between 2021 and 2022, it decreased from 85 % to 71 %, followed by an increase up to 81 %. During the investigation period, capacity utilisation dropped again to 71 %.

5.6.2.2. Sales volume and market share

- (94) The Union industry's sales volume and market share developed over the period considered as follows:

Table 6

Sales volume and market share (tonnes)

	2021	2022	2023	Review investigation period
Union sales volume to unrelated customers (tonnes)	284 883	279 277	241 039	225 854
<i>Index</i>	100	98	85	79
Market share of the Union industry (%)	95,3	90,8	81,7	83,0
<i>Index</i>	100	96	86	88

Source: Verified macro-questionnaire.

- (95) Throughout the period considered, the Union sales volume dropped significantly by 21 %. Between 2021 and 2022 the sales volume declined by 2 % from 284 883 tonnes to 279 277 tonnes. In 2023, the sales dropped sharply by 13 percentage points to 241 039 tonnes. During the review investigation period, the sales dropped by an additional 6 percentage points to 225 854 tonnes.
- (96) In terms of market share, Union sales decreased from 95 % in 2021 to 91 % in 2022, representing a decrease of 4 percentage points. In 2023, market share dropped significantly to 82 %, before recovering slightly to 83 % during the review investigation period.
- (97) The decrease in sales volume in 2022 can be partially linked to the poor harvest referred to above in recital (91) and the reduced production volume that is reported in Table 5. However, the substantial decrease in Union sales volume in 2023 and the review investigation period was due to the market penetration of the Chinese imports as set out in the regulation imposing provisional measures concerning China.

⁽¹⁵⁾ Commission Implementing Regulation (EU) 2025/1723 of 6 August 2025 imposing a provisional anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels, originating in the People's Republic of China (OJ L, 2025/1723, 7.8.2025, ELI: http://data.europa.eu/eli/reg_impl/2025/1723/oj).

- (98) The evolution of the Union industry's market share over the period considered was driven by the same factors, the sharp loss of market share in 2023 coincided with the rapid expansion of Chinese imports on the Union market.

5.6.2.3. Growth

- (99) Over the period considered, the Union industry lost 12 percentage points of market share, while sales volumes dropped significantly by 21 %. The main loss in market share can be attributed to the imports from China as it coincided with the increased Chinese market share, which increased significantly from 2 % to 15 % over the period considered, and exceeded the reduction in Union consumption that decreased by 9 %. Therefore, the Union industry did not experience any growth in terms of production and sales volumes, despite the expansion in production capacity.

5.6.2.4. Employment and productivity

- (100) Employment and productivity developed over the period considered as follows:

Table 7

Employment and productivity

	2021	2022	2023	Review investigation period
Number of employees	3 648	3 449	3 658	3 456
<i>Index</i>	100	95	100	95
Productivity (tonnes/employee)	101	93	103	97
<i>Index</i>	100	92	102	96

Source: Verified macro-questionnaire.

- (101) The Union industry employment decreased by 5 % from about 3 460 full time employees ('FTEs') in 2021 to 3 456 FTEs during the investigation period. This development largely follows the trend in production capacity shown in Table 5.
- (102) As the figures for production and employment are closely linked, productivity in terms of tonnes per employee is in line with the trend of production volume shown in Table 5.

5.6.2.5. Magnitude of the dumping margin and recovery from past dumping

- (103) All dumping margins related to imports from Thailand established during the review investigation period were above the *de minimis* level. At the same time, the level of imports from Thailand during the review investigation period was relatively limited, representing only 1,3 % of Union consumption. Therefore, the impact of the magnitude of the actual margins of dumping on the Union industry was rather limited.
- (104) While the Union industry showed signs of recovery in 2021, from the past effects of dumping caused by Thai imports, the economic situation was impacted by the dumped imports from China, as explained in recital (99).

5.6.3. Microeconomic indicators

5.6.3.1. Prices and factors affecting prices

- (105) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices and cost of production in the Union

	2021	2022	2023	Review investigation period
Average unit sales price in the Union to unrelated customers (EUR/tonne)	[1 302–2 028]	[1 473–2 294]	[1 754–2 732]	[1 843–2 870]
<i>Index</i>	100	113	135	142
Average unit cost of cost of goods sold (EUR/tonne)	[1 146–1 784]	[1 323–2 059]	[1 590–2 476]	[1 655–2 577]
<i>Index</i>	100	115	139	144

Source: Sampled Union producers.

- (106) The average sales price to unrelated customers in the Union increased throughout the period considered by 42 %. Between 2021 and 2022, the average sales price increased by 13 % from [1 302–2 028] EUR/tonne to [1 473–2 294] EUR/tonne. In 2023, the average sales price increased by an additional 22 percentage points to [1 754–2 732] EUR/tonne. In the review investigation period, the average sales price increased further by 7 percentage points to [1 843–2 870] EUR/tonne.
- (107) The average unit cost of cost of goods sold increased between 2021 and 2022 by 15 % from [1 146–1 784] EUR/tonne to [1 323–2 059] EUR/tonne. In 2023, the cost further increased to [1 590–2 476] EUR/tonne, representing an additional increase of 24 percentage points compared to 2022. During the review investigation period, the average unit cost per tonne increased by 5 percentage points to [1 655–2 577] EUR/tonne. As a result, the average import prices from Thailand during the period considered described in recital (76) remained consistently below the average unit cost of the cost of goods sold.

5.6.3.2. Labour costs

- (108) The average labour costs of the sampled Union producers developed over the period considered as follows:

Table 9

Average labour costs per employee

	2021	2022	2023	Review investigation period
Average labour costs per employee (EUR)	[29 702–46 250]	[34 296–53 404]	[30 203–47 030]	[33 281–51 823]
<i>Index</i>	100	115	102	112

Source: Sampled Union producers.

- (109) The average labour costs per employee increased in 2022 by 15 %, followed by a decline of 13 % in 2023. In the review investigation period, the average labour costs per employee increased again by 12 %. The increase in the average labour costs was linked to increases in minimum wages due to inflation.

5.6.3.3. Inventories

- (110) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 10

Inventories

	2021	2022	2023	Review investigation period
Closing stocks (tonnes)	[72 917–113 542]	[70 300–109 467]	[89 648–139 596]	[112 712–175 509]
<i>Index</i>	100	96	123	155
Closing stock as a percentage of production (%)	[143–222]	[150–234]	[274–427]	[355–553]
<i>Index</i>	100	105	192	249

Source: Sampled Union producers.

- (111) Between 2021 and 2022, the closing stock of the sampled Union producers decreased by 4 % from [72 917–113 542] to [70 300–109 467] tonnes. However, in 2023, the closing stock increased substantially by 27 percentage points [89 648–139 596] tonnes, with an even further increase by an additional 32 percentage points compared to 2021 [112 712–175 509] tonnes.
- (112) The reduced stock level of 2022 can be linked to the poor harvest in the Union. While the increased level of stocks can be connected to a seasonal effect at the end of the calendar year, the substantial surge in inventories in 2023 and the RIP was a clear effect of the rise in dumped imports from China indicating that Union producers were not able to sell their products as concluded in the regulation imposing provisional measures against China.

5.6.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

- (113) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2021	2022	2023	Review investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	[8–13]	[7–11]	[7–10]	[7–11]
<i>Index</i>	100	85	78	85
Cash flow (EUR)	[8 548 316 – 13 310 950]	[– 7 179 488 – – 11 179 489]	[– 26 396 595 – – 41 103 270]	[– 299 781 – – 466 801]
<i>Index</i>	100	– 84	– 309	– 4
Net Investments (EUR)	[5 084 019 – 7 916 544]	[9 363 438 – 14 580 211]	[14 746 664 – 22 962 663]	[12 310 955 – 19 169 915]
<i>Index</i>	100	184	290	242
Return on investments (%)	[17–27]	[15–23]	[14–21]	[13–20]
<i>Index</i>	100	88	79	76

Source: Sampled Union producers.

- (114) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.
- (115) The profitability decreased by 15 % over the period considered.
- (116) Despite being still profitable, the Union industry remained constantly below the target profit of 14 % during the period considered. The trend on profitability should be considered in light of the significant decrease in sales volumes, the decreased production, capacity utilisation, and employment, as well as the significant increase of stock levels. In essence, the Union industry was able to maintain a positive profitability level but at the expense of its sales volumes.
- (117) The net cash flow is the ability of the Union producers to self-finance their activities. Between 2021 and 2022, cash flow dropped dramatically by 184 %. In 2023, cash flow decreased further by 225 percentage points. During the review investigation period, cash flow recovered to almost the same level as in 2021.
- (118) The sampled Union producers continued to invest during the period considered as demonstrated by the investment figures above. Investments increased by 84 % from EUR [5 084 019–7 916 544] in 2021 to EUR [9 363 438–14 580 211] in 2022. In 2023, investments increased by 96 % to EUR [14 746 664–22 962 663]. During the review investigation period, investments increased by 38 % to EUR [12 310 955–19 169 915]. Investments were made for the expansion of production capacity as described in recital (92) and for the replacement of equipment. Overall, the industry is very capital intensive with the need for large investments into production facilities. The Union industry was able to raise the necessary capital.
- (119) The return on investments is the profit in percentage of the net book value of investments. Between 2021 and 2022, it decreased by 12 % from [17–27] % to [15–23] %. In 2023, the return on investment further decreased by 9 % to [14–21] %. During the review investigation period, the return on investment recorded an additional decline by 3 % to [13–20] %.

5.7. Conclusion on injury

- (120) Imports on the Union market over the period considered were dominated by those from the PRC, with imports from Thailand at a relatively lower level. Imports from the PRC increased from 6 484 tonnes in 2021 to 40 052 tonnes in the review investigation period, as shown in Table 4. The market share of these imports increased from 2 % in 2021 to 15 % in the review investigation period. These imports were found to be at dumped prices ⁽¹⁶⁾. In contrast, imports from Thailand remained at an overall low level during the period considered and decreased from 1,5 % to 1,3 % over the period considered as shown in Table 2.
- (121) The deterioration of the economic situation of the Union industry took place in a market of decreasing demand. Over the period considered, consumption decreased by 9 %, but the Union industry market share dropped from 95 % in 2021 to 83 % during the period considered. This was mainly due to the price pressure generated by Chinese imports, with significant price undercutting and, in any event, with price suppression considering that the Chinese imports remained constantly below the average unit costs of goods sold. Such price suppression prevented the Union industry from adjusting their sales prices fully in line with the cost increases, resulting in a decreasing profitability that remained constantly below target profit over the period considered, coupled with a significant decrease in sales volume.
- (122) Even though the development in Union industry's sales prices showed a positive trend during the period considered with an increase of 42 %, this was outpaced by the significant increase of costs.
- (123) Most indicators showed a negative trend, with decreased sales volumes, production volumes, capacity utilisation, profitability and cash flow. Prices of Thai imports remained constantly below the level of the Union industry's average sales prices and average unit costs of the costs of goods sold, but remained overall at a very low volume.

⁽¹⁶⁾ Implementing Regulation (EU) 2025/1723.

- (124) During the period considered the Union industry managed to carry out investments to expand production capacities, in the expectation of a level playing field in the EU market to compete in fair conditions.
- (125) On the basis of the above, the Commission concluded at this stage that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

6. CAUSATION

- (126) Following the imposition of anti-dumping measures on imports of sweetcorn from Thailand in 2007, imports from that country declined significantly and remained at very low levels throughout the period considered. During the review investigation period, imports from Thailand represented only around 1,3 % of total Union consumption.
- (127) By contrast, the Union industry faced increasing competition from significant volumes of low-priced dumped imports from the People's Republic of China. These imports rose sharply over the period considered, reaching a market share of around 15 % during the review investigation period. The price level of Chinese imports remained consistently below that of the Union industry and even below the Union producers' average cost of goods sold, exerting substantial downward pressure on prices, as shown in recitals (120) to (125).
- (128) As a result of this price pressure, the Union industry was unable to increase its selling prices in line with rising costs. This led to a decline in profitability, reduced capacity utilisation, and a loss of market share. On the basis of the above, in the parallel anti-dumping investigation concerning imports of sweetcorn originating in the PRC, the Commission concluded that the material injury suffered by the Union industry during the review investigation period was mainly caused by dumped imports originating in the People's Republic of China.
- (129) As a result, the Commission imposed, on 7 August 2025, provisional anti-dumping measures against imports of sweetcorn originating in China.
- (130) While it cannot be excluded that imports from Thailand contributed to the injury suffered by the Union industry, given that they undercut Union industry's prices as described in recital (78), their impact was found to be limited given their low volume. Therefore, the Commission assessed the likelihood of recurrence of injury concerning Thailand.

7. LIKELIHOOD OF RECURRENCE OF INJURY

- (131) The Commission concluded in recital (125) that the Union industry suffered material injury during the review investigation period. The Commission also concluded in recitals (128) and (130) that the injury to the Union industry observed during the review investigation period is mainly caused by Chinese imports. Therefore, the Commission assessed, in accordance with Article 11(2) of the basic Regulation, whether there would be a likelihood of recurrence of the injury originally caused by the dumped imports from Thailand if the measures concerning these imports were allowed to lapse.
- (132) In this regard, the Commission examined the production capacity and spare capacity in Thailand, attractiveness of the Union market, and the likely impact of Thai exports on the Union industry.

7.1. Production capacities and spare capacities in Thailand

- (133) As described in recital (58), Thai exporters have significant spare capacity to increase their exports to the Union if the measures are allowed to lapse.

7.2. Attractiveness of the Union Market

- (134) The investigation found that Thai import prices remained consistently below Union producers' prices throughout the period considered. The Commission's comparison between the weighted average sales prices of the sampled Union producers (adjusted to ex-works level) and the CIF prices of Thai exports, adjusted as explained in recital (77) but without anti-dumping duties, showed a significant undercutting margin of more than 37 %, that it is considered to be the best indicator of the expected price behaviour in the absence of measures. Given the more lucrative prices on the Union market as compared to other export markets, as explained in recital (62), it is likely that significant quantities would be redirected to the Union market in the event of the anti-dumping measures being allowed to lapse.

- (135) On that basis, in the absence of measures, Thai producers would likely increase their presence in the Union market in terms of both volume and market share and at dumped prices that would exert increased price pressure on the Union industry's sales prices.

7.3. Impact on the Union industry

- (136) Despite the anti-dumping duties in place, Thailand continued to export to the EU during the review investigation period, with a market share of 1,3 %, at prices even below the Union industry's costs. In the absence of measures, with an increased quantity of Thai imports undercutting its prices, the Union industry would be forced to further reduce its prices or, alternatively, to lose further sales quantities to the advantage of the Thai exporters.
- (137) Given the situation of the Union industry, decreases in production volumes and sales prices would cause a further deterioration of its profitability and other performance indicators.

7.4. Conclusion on the likelihood of recurrence of injury

- (138) On the basis of the above, it can be concluded that there is a likelihood of recurrence of injury originally caused by the dumped imports from Thailand should the current anti-dumping measures concerning Thailand lapse.

8. UNION INTEREST

- (139) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as a whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers, wholesalers, retailers, users, consumers, and farmers.
- (140) No importer, user or supplier came forward during the current investigation. Therefore, in the absence of cooperation, the Commission maintained the findings of the previous expiry review, which concluded that there were no compelling reasons of Union interest against maintaining the existing measures.
- (141) In addition, the parallel anti-dumping investigation on imports of sweetcorn from the People's Republic of China concluded that the imposition of measures would not disproportionately affect importers, users or suppliers, given the limited share of sweetcorn in their overall turnover and the availability of alternative sources of supply.
- (142) On the basis of the above, the Commission concluded that there are no compelling reasons of Union interest against the maintenance of the anti-dumping measures on imports of sweetcorn originating in Thailand.

9. ANTI-DUMPING MEASURES

- (143) On the basis of the conclusions reached by the Commission on the likelihood of continuation of dumping and recurrence of injury, and on the Union interest, the anti-dumping measures on sweetcorn from Thailand must be maintained.
- (144) To minimise the risks of circumvention due to the difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The application of individual anti-dumping duties is only applicable upon presentation of a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) of this Regulation. Until such invoice is presented, imports should be subject to the anti-dumping duty applicable to 'all other imports originating in Thailand'.
- (145) While presentation of this invoice is necessary for the customs authorities of the Member States to apply the individual rates of anti-dumping duty to imports, it is not the only element to be taken into account by the customs authorities. Indeed, even if presented with an invoice meeting all the requirements set out in Article 1(3) of this Regulation, the customs authorities of Member States must carry out their usual checks and may, like in all other cases, require additional documents (shipping documents etc.) for the purpose of verifying the accuracy of the particulars contained in the declaration and ensure that the subsequent application of the lower rate of duty is justified, in compliance with customs law.

- (146) Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances and provided the conditions are met an anti-circumvention investigation may be initiated. This investigation may, inter alia, examine the need for the removal of individual duty rate(s) and the consequent imposition of a country-wide duty.
- (147) The individual company anti-dumping duty rates specified in this Regulation are exclusively applicable to imports of the product under review originating in Thailand and produced by the named legal entities. Imports of the product under review produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other imports originating in Thailand'. They should not be subject to any of the individual anti-dumping duty rates.
- (148) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽¹⁷⁾. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a regulation about the change of name will be published in the *Official Journal of the European Union*.
- (149) An exporter or producer that did not export the product concerned to the Union during the period that was used to set the level of the duty currently applicable to its exports may request the Commission to be made subject to the anti-dumping duty rate for cooperating companies not included in the sample. The Commission should grant such request, provided that three conditions are met. The new exporting producer would have to demonstrate that: (i) it did not export the product concerned to the Union during the period that was used to set the level of the duty applicable to its exports; (ii) it is not related to a company that did so and thus is subject to the anti-dumping duties; and (iii) has exported the product concerned thereafter or has entered into an irrevocable contractual obligation to do so in substantial quantities.
- (150) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. They were also granted a period to make representations subsequent to this disclosure. No comments were received.
- (151) In view of Article 109 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ⁽¹⁸⁾ when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (152) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of sweetcorn (*Zea mays* var. *saccharata*) in kernels, prepared or preserved by vinegar or acetic acid, not frozen and sweetcorn (*Zea mays* var. *saccharata*) in kernels prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, currently falling under CN codes ex 2001 90 30 (TARIC code 2001 90 30 10) and ex 2005 80 00 (TARIC code 2005 80 00 10) and originating in Thailand.

⁽¹⁷⁾ Email: TRADE-TDI-NAME-CHANGE-REQUESTS@ec.europa.eu, European Commission, Directorate-General for Trade and Economic Security, Directorate G, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

⁽¹⁸⁾ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Anti-dumping duty (%)	TARIC additional code
Karn Corn Co., Ltd	3,1	A789
Kuiburi Fruit Canning Co., Ltd	14,3	A890
River Kwai International Food Industry Co., Ltd	3,6	A791
Sunsweet Public Company Limited	11,1	A792
Cooperating exporting producers listed in the Annex	12,9	(see annex)
All other imports originating in Thailand	14,3	A999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: '*I, the undersigned, certify that the (volume) of (product under review) sold for export to the European Union covered by this invoice was manufactured by (company name) (TARIC additional code) in Thailand. I declare that the information provided in this invoice is complete and correct.*' Until such invoice is presented, the duty applicable to all other companies shall apply.

4. Article 1(2) may be amended to add new exporting producers from Thailand and make them subject to the appropriate weighted average anti-dumping duty rate for cooperating companies not included in the sample. A new exporting producer shall provide evidence that:

- (a) it did not export the goods described in Article 1(1) originating in Thailand during the period between 1 January 2005 and 31 December 2005 ('original investigation period');
- (b) it is not related to an exporter or producer subject to the measures imposed by this Regulation, and which have or could have cooperated in the investigation that led to the duty; and
- (c) it has either actually exported the product under review originating in Thailand or has entered into an irrevocable contractual obligation to export a significant quantity to the Union after the end of the original investigation period.

5. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 February 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Thai cooperating exporting producers not sampled

Country	Name	TARIC additional code
Thailand	Agro-On (Thailand) Co., Ltd	88AA
	B.N.H. Canning Co., Ltd	88AB
	Boonsith Enterprise Co., Ltd	88AC
	Erawan Food Public Company Limited	88AD
	Great Oriental Food Products Co., Ltd	88AE
	Lampang Food Products Co., Ltd	88AF
	O.V. International Import-Export Co., Ltd	88AG
	Pan Inter Foods Co., Ltd	88AH
	Siam Food Products Public Co., Ltd	88AI
	Viriyah Food Processing Co., Ltd	88AJ
	Vita Food Factory (1989) Ltd	88AK